

Report of the

**EXPERT CONSULTATION ON THE DEVELOPMENT OF
INTERNATIONAL GUIDELINES FOR THE ECOLABELLING OF FISH
AND FISHERY PRODUCTS FROM INLAND CAPTURE FISHERIES**

Rome, 23–26 May 2006



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PREPARATION OF THIS DOCUMENT

This is the Report of the Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries, held in Rome, Italy, from 23 to 26 May 2006. The Expert Consultation was convened by FAO at the request of the twenty-sixth session of the Committee on Fisheries (COFI) (Rome, 7–11 March 2005). COFI recommended that international guidelines be prepared by FAO on the ecolabelling of fish and fishery products from inland fisheries.

Distribution:

List of participants
All FAO Members
FAO Fisheries Department
FAO Regional Fishery Officers

This One



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FAO Fisheries Report, No. 804. Rome, FAO. 2006. 30p.

ABSTRACT

The twenty-sixth session of the Committee on Fisheries (Rome, 7–11 March 2005) recommended that FAO prepare international guidelines on the ecolabelling of fish and fishery products from inland fisheries. The Expert Consultation was convened by FAO to advise on this task.

The Expert Consultation took as its main working document the Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries adopted by the twenty-sixth session of the Committee on Fisheries and published by FAO in 2005. The Consultation made various additions and amendments to this document for it to be suitable for inland capture fisheries. Many of these amendments derived from including culture-based and enhanced fisheries into the definition of inland capture fisheries. Amendments concerned mostly the sections addressing management systems, “stocks under consideration”, ecosystem considerations and methodological aspects. Aquaculture was excluded from the scope of the guidelines.

The Expert Consultation recognized that most of the provisions on procedural and institutional aspects of standard setting, accreditation and certification applied equally to both marine and inland capture fisheries. However, there were some instances where the specific characteristics of inland capture fisheries including culture-based and enhanced fisheries needed to be reflected. Cases in point were the addition of hatchery managers among the interested parties in standard setting or the inclusion of the production of stocking material in the certification of a fishery.

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OPENING OF THE MEETING AND ARRANGEMENTS FOR THE SESSION

The Expert Consultation on the Development of International Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries was held in Rome, Italy, from 23 to 26 May 2006.

The list of experts and other participants in the meeting is shown in Appendix B. The documents which were before the Expert Consultation are listed in Appendix C.

The meeting was called to order by Mr Ichiro Nomura, Assistant Director-General, Fisheries Department, who delivered the opening statement. The text of his statement is reproduced in Appendix D.

Ms Nancy Gitonga was elected as Chairperson.

The agenda shown in Appendix A was adopted by the Expert Consultation.

INTRODUCTION OF THE BACKGROUND, OBJECTIVES AND EXPECTED OUTCOME OF THE EXPERT CONSULTATION

The Secretariat explained that, when adopting guidelines for the ecolabelling of fish and fishery products from marine capture fisheries, the twenty-sixth session of the Committee on Fisheries (COFI) (March 2005) requested that FAO also prepare guidelines for the ecolabelling of fish and fishery products from inland fisheries. The Expert Consultation was convened for this purpose and its outcome may be further considered by a technical consultation subject to guidance on this matter by the twenty-seventh session of COFI, to be held in Rome, from 5 to 9 March 2007.

In introducing the contents of the Marine fisheries ecolabelling guidelines, the Secretariat provided background information on the considerations that have guided the negotiations in the development of these guidelines and identified areas that were likely to require special attention by the experts including, *inter alia*, the need to define inland fisheries.

The Expert Consultation proceeded to modify the Marine Capture Fisheries Ecolabelling Guidelines¹ to make them applicable to inland capture fisheries. The proposed Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries are shown in Appendix E.

DEFINITION OF INLAND CAPTURE FISHERIES FOR THE PURPOSE OF ECOLABELLING

In recognition of the fact that a significant portion of production from inland waters is derived from culture-based and enhanced fisheries, the Expert Consultation included these fisheries within the definition of inland capture fisheries. Ecolabelling of these fisheries would help protect aquatic biodiversity and promote market access to inland capture fishery products.

The Expert Consultation agreed to the following definitions and included them as paragraphs 21b, 21e and 19b in the section on Terms and definitions.

¹ FAO. 2005. Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries. Directives pour l'étiquetage écologique du poisson et des produits des pêches de capture marines. Directrices para el ecoetiquetado de pescado y productos pesqueros de la pesca de captura marina. Rome, FAO. 90p.

Inland capture fisheries: The removal of fish and other aquatic organisms from natural or enhanced inland fisheries, but excluding aquaculture.

Culture-based fisheries: Capture fisheries which are maintained solely by stocking with material originating from aquaculture installations.

Enhanced fisheries: Fisheries that are supported by activities aimed at supplementing or sustaining the recruitment of one or more aquatic organisms and raising the total production or the production of selected elements of a fishery beyond a level which is sustainable by natural processes. It may entail stocking with material originating from aquaculture installations.

SCOPE, PRINCIPLES, GENERAL CONSIDERATIONS, AND MINIMUM SUBSTANTIVE REQUIREMENTS AND CRITERIA FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM INLAND CAPTURE FISHERIES

Scope

While the guidelines for inland capture fisheries include a number of aspects of using cultured fish, their scope is not intended to represent guidelines for ecolabelling fish and fishery products from aquaculture.

Principles

Paragraph 2.1 contains references to the 1982 United Nations Convention on the Law of the Sea (the 1982 Convention), and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the 1995 UN Fish Stocks Agreement). These international instruments do not apply to inland water bodies, however, they contain provisions of relevance for the management of inland capture fisheries. Therefore, reference to these instruments was retained in paragraph 2.1bis.

Paragraph 2.I was modified to contain explicit reference to international instruments directly relevant to inland capture fisheries, namely the 1995 FAO Code of Conduct for Responsible Fisheries, the 1993 Convention on Biodiversity and the 1971 (2005) Ramsar Convention.

General considerations

Paragraph 5 was modified because, *strictu sensu*, Regional Fisheries Management Organizations (RFMOs) do not exist for inland capture fisheries. It was noted that, for instance, the Lake Victoria Fisheries Organization and the Mekong River Commission were not RFMOs but regional fishery bodies. Therefore, the Expert Consultation agreed to adopt throughout the text of the guidelines the wider term of regional fishery body (RFB) which applied to both RFMOs as well as to bodies having purely advisory functions (paragraphs 5 and 27).

Minimum substantive requirements and criteria

The Expert Consultation agreed on a number of amendments in the sections addressing management systems, "stocks under consideration", ecosystem considerations and methodological aspects because inland capture fisheries often involve enhancement and culture-based interventions (paragraphs 28-32).

Enhanced fisheries may involve a number of techniques,² some of which are permanent or nearly so, e.g. species introductions and habitat modification, and some of which could be temporary. In some cases, the sustainability of the target species could depend on the maintenance of the enhancements. However, the harvest of the target species in enhanced fisheries would still be managed to conserve natural production components of the “stock under consideration” and to minimize adverse impacts on the ecosystem, e.g. protect biodiversity of aquatic ecosystems and habitats, minimize bycatch and discards, and use non-destructive fishing methods (see paragraphs 29–31).

In the special case of culture-based fisheries, where the fishery is solely maintained by stocking from aquaculture facilities, sustainability of the target species would not be the focus of an ecolabelling programme. The sustainability of the culture-based fishery would relate primarily to the optimal production of the cultured fish in the natural ecosystem and to ensure this production is managed in a manner to conserve biodiversity and ecosystem functions.

Unit of certification (paragraph 25): The last sentence of this definition had a significant bearing on the Expert Consultation’s conclusion that geographic boundaries of inland fisheries did not need to be defined. As fish stocks contributing to river, lake and reservoir fisheries may also, in some cases, be caught in estuarine and marine areas, the consideration of impacts of all fisheries utilizing a stock or stocks across their entire area of distribution, including all life stages, is an important element of assessing the state of the “stock under consideration”.

Validity of information: Accurate information is essential for ecolabelling of inland capture fisheries. However, there are problems in obtaining information on many of the world’s inland fisheries. The Expert Consultation felt the validity of both “best scientific evidence” and traditional knowledge should be objectively validated (paragraphs 2.10, 29.2, 29.3). The Expert Consultation, furthermore, considered that this may also be generally applicable to marine capture fisheries and, therefore, recommended this amendment to be done in the marine capture fisheries ecolabelling guidelines (shown in square brackets in Appendix E).

Fitness for survival (paragraph 30b): The quality of stocking material for enhanced or culture-based fisheries fundamentally relates to traits necessary for survival in the wild under different and sometimes harsh environmental conditions, but not to traits relevant to aquaculture (e.g. fast growth and late age at maturity). For these reasons, rearing conditions for culture-based stocking material should differ from those for aquaculture and include timely acclimatization to the environmental conditions prevalent in the wild.

For clarity in the interpretation of the minimum substantive requirements and criteria, the Expert Consultation agreed to include the following definitions for Stocking, Introduced species (alien species), and Translocations (transfers) into the section on Terms and definitions (paragraphs 21d, 23b, 24b).

Introduced species (alien species³): Species or races that are intentionally or accidentally transported and released by humans into an environment outside their natural range.

Stocking: Refers to the repeated injection of fish into an ecosystem in which a population of that species already exists from one external to it.

Translocations (transfers): Movement of individuals of a species or population, intentionally or accidentally transported and released within their natural range.

² Petr, T. (ed.). Inland fishery enhancements. Papers presented at the FAO/DFID Expert Consultation on Inland Fishery Enhancements. Dhaka, Bangladesh, 7–11 April 1997. FAO Fisheries Technical Paper. No. 374. Rome, FAO. 1998. 463p.

³ Article 8 (h) of the Convention on Biodiversity

PROCEDURAL AND INSTITUTIONAL ASPECTS FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM INLAND CAPTURE FISHERIES

The Expert Consultation recognized that most of the provisions on procedural and institutional aspects applied equally to both marine and inland capture fisheries. However, there were some instances where the specific characteristics of inland capture fisheries including culture-based and enhanced fisheries needed to be reflected. These included, for example, the addition of hatchery managers among the interested parties in standard setting (paragraph 54) or the inclusion of the production of stocking material in the certification of the fishery (paragraph 101).

ADOPTION OF THE REPORT

The report of the Expert Consultation, including the proposed Guidelines for the Ecolabelling of Fish and Fishery Products from Inland Capture Fisheries, was adopted on 26 May 2006.

APPENDIX A**Agenda**

- 1) Opening
- 2) Election of chairperson and adoption of agenda
- 3) Introduction of the background, objectives and expected outcome of the expert consultation
- 4) Definition of inland fisheries for the purpose of ecolabelling
- 5) Scope, principles, general considerations, and minimum substantive requirements and criteria for the ecolabelling of fish and fishery products from inland capture fisheries
- 6) Procedural and institutional aspects for the ecolabelling of fish and fishery products from inland capture fisheries
- 7) Adoption of the report

APPENDIX B

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APPENDIX C

List of documents

Documents

Provisional agenda and timetable (EC: EIF/2006/1)

Commentary on possible modifications to the guidelines for the ecolabelling of fish and fishery products from marine capture fisheries in order to make them applicable to inland fisheries (EC: EIF/2006/2)

Documents for information

List of participants (EC: EIF/2006/Inf.1)

List of documents (EC: EIF/2006/Inf.2)

Documents made available

FAO. 1995. Code of Conduct for Responsible Fisheries. Rome, FAO. 41p.

FAO. 1996. Precautionary approach to capture fisheries and species introductions. Elaborated by the Technical Consultation on the Precautionary Approach to Capture Fisheries (Including Species Introductions). Lysekil, Sweden, 6-13 June 1995. *FAO Technical Guidelines for Responsible Fisheries*. No. 2. Rome, FAO. 54p.

FAO Fishery Development Planning Service, Fisheries Department. 1996. Integration of fisheries into coastal area management. *FAO Technical Guidelines for Responsible Fisheries*. No. 3. Rome, FAO. 17p.

FAO Fishery Resources Division and Fishery Policy and Planning Division. 1997. Fisheries management. *FAO Technical Guidelines for Responsible Fisheries*. No. 4. Rome, FAO. 82p.

FAO Fisheries Department. 1997. Aquaculture development. *FAO Technical Guidelines for Responsible Fisheries*. No. 5. Rome, FAO. 40p.

FAO Fisheries Department. 1997. Inland fisheries. *FAO Technical Guidelines for Responsible Fisheries*. No. 6. Rome, FAO. 36p.

FAO Fisheries Department. 2003. Fisheries management. 2. The ecosystem approach to fisheries. *FAO Technical Guidelines for Responsible Fisheries*. No. 4. Suppl. 2. Rome, FAO. 112 p.

FAO. 2005. Guidelines for the ecolabelling of fish and fishery products from marine capture fisheries. Directives pour l'étiquetage écologique du poisson et des produits des pêches de capture marines. Directrices para el ecoetiquetado de pescado y productos pesqueros de la pesca de captura marina. Rome, Roma, FAO. 90p.

FAO. 2005. Putting into practice the ecosystem approach to fisheries. Rome, FAO. 76p.

Marine Stewardship Council. TAB D-001 – Scope of application of MSC Principles and Criteria – wild fisheries, enhanced fisheries, aquaculture – TAB November 2003, MSC release April 2004 (on enlarging the scope of application of the MSC Principles and Criteria to include freshwater fisheries and guidance on whether to include or not enhanced fisheries)

Marine Stewardship Council. TAB D-003 Unit of certification TAB – September 2002 – TAB – November 2003, MSC release April 2004 (on certification process of multispecies fisheries and of fisheries with a significant bycatch)

Marine Stewardship Council. TAB D-004 Status of stocks – depletion and recovery Letter from TAB Chair & MSC Int. Policy Director to certification body – February 2003 – TAB November 2003, MSC release April 2004 (on minimum acceptable level for stock size and on the scope provided by MSC Principle for considering the rebuilding of depleted stocks)

Marine Stewardship Council. Lake Hjälmaren Pikeperch Fishery Performance Indicators and Scoring Guidepost (12 Jan. 2005)

APPENDIX D

**Opening statement by Mr Ichiro Nomura, Assistant Director-General,
FAO Fisheries Department**

Ladies and Gentlemen,

Welcome to Rome and welcome to FAO.

I'm very grateful that you have accepted to serve as experts in this Consultation. I also would like to express my thanks to your organizations or governments which have agreed to your participation.

Let me give you a brief background to the convening of this Expert Consultation. As I believe all of you are aware, the twenty-sixth session of COFI, that is the FAO Committee on Fisheries, adopted guidelines for the ecolabelling of fish and fishery products from marine capture fisheries in March of 2005. These guidelines have been made available to you and will form an important basis of your work during the coming four days.

The adoption by COFI of these guidelines marked the culmination of work undertaken by FAO in this field since 1998. In October 1998, FAO organized, at the request of its Sub-Committee on Fish Trade, a first technical consultation to investigate the feasibility and practicability of developing non-discriminatory, globally applicable, technical guidelines for the ecolabelling of fish and fishery products. This Consultation developed some valuable guiding principles for ecolabelling schemes in marine fisheries but did not reach an agreement on the practicality and feasibility of developing international technical guidelines. In this Technical Consultation and subsequent sessions of COFI in 1999 and 2001, as well as in other international fora, the ecolabelling debate was at times controversial and focused on four areas of concern, as follows:

- First, the concern that ecolabelling schemes are used or may be used as new forms of barriers to trade.
- Second, the scientific basis of certification standards and criteria.
- Third, the potential difficulties for developing countries to participate in such schemes, especially the small-scale producers in these countries.
- Fourth and finally, the potential confusion among traders and consumers which may derive from the utilization of a number of various and diverse product labels, themselves relating to different criteria and standards.

Given the appearance in the market place of a great variety of labelling schemes, of corporate sustainability supply standards, as well as purchasing guides of environmental non-governmental organizations, FAO Members have recognized the advantages that an international set of agreed guidelines offered to address several of the above concerns.

When adopting the guidelines, COFI noted the special circumstances, conditions and concerns applying to developing countries and countries in transition that required time, financial and technical assistance to develop and maintain appropriate fisheries management arrangements in order to participate in, and benefit from, voluntary ecolabelling schemes. COFI also agreed that direct support towards the often high cost of accreditation and certification would be necessary.

COFI also recommended that international guidelines be prepared by FAO on the ecolabelling of fish and fishery products from inland fisheries. This was a request, I believe, that was first proposed by one of our African Members in view of the special importance of, in particular, the great lakes to the fisheries in many African countries. This proposal found ready acceptance across our entire

membership as clearly inland fisheries are of great importance also in Asia, North and South America and Europe.

This Expert Consultation will be followed in October of this year by a Technical Consultation. For those of you who are not familiar with FAO rules and procedures, I should perhaps mention that the participants in a Technical Consultation open to all FAO Members are nominated by their respective governments or, in the case of non-governmental organizations, by their respective organizations which can attend as observers. Meetings of government-nominated experts often lay the ground work to eventually reach agreement on an international issue in the governing bodies of FAO such as COFI and the FAO Conference. I am mentioning this to clarify your role in this Expert Consultation which you attend in your individual capacity and not as representative of your government or organization. And there is no difference in status between those of you who work with government or those of you who work with a private or non-governmental entity.

Your task over the coming four days is to advise the FAO Fisheries Department and, through it, the forthcoming Technical Consultation as well as the next session of COFI in 2007, on the possible contents of international ecolabelling guidelines for fish and fishery products from inland fisheries. I should mention here that, given the similarities between capture fisheries in marine and inland waters, many of the provisions of the marine ecolabelling guidelines should apply equally to inland fisheries. Another reason is that procedural provisions concerning accreditation and certification should not differ greatly between marine and inland fisheries. Therefore, your task is likely to be primarily one of identifying the specific sustainability features of inland fisheries that warrant modifications to the minimum substantive requirements and criteria for ecolabelling of inland fisheries. One of your considerations would hereby be to define inland fisheries and draw a clear line to aquaculture. I'm saying this because so far we have had no request from our Members to develop ecolabelling guidelines for aquaculture.

I wish you fruitful deliberations over the coming days and look forward with interest to the results of your work. In closing, I should mention that the report of your Consultation will be published by FAO and also be made available on our Home Page.

I hope you'll have an enjoyable stay in Rome in spite of all the work to be done.

Thank you very much, Ladies and Gentlemen, for your attention.

APPENDIX E

PROPOSED GUIDELINES FOR THE ECOLABELLING OF FISH AND FISHERY PRODUCTS FROM INLAND CAPTURE FISHERIES

SCOPE

1. These guidelines are applicable to ecolabelling schemes that are designed to certify and promote labels for products from well-managed inland capture fisheries and focus on issues related to the sustainable use of fisheries resources.

PRINCIPLES

2. The following principles should apply to ecolabelling schemes for inland capture fisheries:

- 2.1a Be consistent with the FAO Code of Conduct for Responsible Fisheries, the Convention on Biodiversity, the Ramsar Convention on Wetlands, and the World Trade Organization (WTO) rules and other relevant international instruments.
- 2.1b Take into account the provisions of relevance for the management of inland capture fisheries contained in the 1982 United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
- 2.2 Recognize the sovereign rights of States and comply with all relevant laws and regulations.
- 2.3 Be of a voluntary nature and market-driven.
- 2.4 Be transparent, including balanced and fair participation by all interested parties.
- 2.5 Be non-discriminatory, do not create unnecessary obstacles to trade¹ and allow for fair trade and competition.²
- 2.6 Provide the opportunity to enter international markets.²
- 2.7 Establish clear accountability for the owners of schemes and the certification bodies in conformity with international standards.
- 2.8 Incorporate reliable, independent auditing and verification procedures.
- 2.9 Be considered equivalent if consistent with these guidelines.
- 2.10 Be based on the best scientific evidence available, also taking into account traditional knowledge of the resources provided that its [their] validity can be objectively verified.
- 2.11 Be practical, viable and verifiable.
- 2.12 Ensure that labels communicate truthful information.
- 2.13 Provide for clarity.
- 2.14 Be based, at a minimum, on the minimum substantive requirements, criteria and procedures outlined in these guidelines.

3. The principle of transparency should apply to all aspects of an ecolabelling scheme including its organizational structure and financial arrangements.

¹ Consistent with the WTO Agreement on Technical Barriers to Trade.

² See Code of Conduct for Responsible Fisheries Para. 11.2

GENERAL CONSIDERATIONS

4. Ecolabelling schemes should take into account that principles, minimum substantive requirements, criteria and procedures set out in this document will apply equally for developed, transition and developing countries.

5. Bearing in mind that ecolabelling schemes relate to fisheries management, and rights and duties of States,³ it is recognized that the involvement of States in ecolabelling schemes is desirable and should be encouraged. It is also recognized that States and, as appropriate, regional fishery bodies (RFBs) may develop ecolabelling schemes in a manner consistent with these guidelines. Ecolabelling schemes should give full consideration to the recommendations and advice by States, and, as appropriate, RFBs.

6. In accordance with Article 5 of the Code of Conduct for Responsible Fisheries, and recognizing that all countries should have the same opportunities, and in view of the special conditions applying to developing countries and countries in transition and their important contribution to international fish trade, it is acknowledged that in order to benefit from applying ecolabelling schemes, states, relevant intergovernmental and non-governmental organizations and financial institutions should provide developing countries and countries in transition with financial and technical assistance to develop and maintain appropriate fisheries management systems and arrangements that will allow them to participate in such schemes. Such assistance should also consider direct support towards the often high costs of accreditation and certification. Development agencies and donor institutions are encouraged to support FAO in facilitating financial and technical assistance to developing countries and countries in transition.

TERMS AND DEFINITIONS

7. For the purpose of these International Guidelines, the following terms and definitions apply.

Accreditation

8. Procedure by which a competent authority gives formal recognition that a qualified body or person is competent to carry out specific tasks.

(Based on ISO/IEC Guide 2:1996, 12.11)

Accreditation body

9. Body that conducts and administers an accreditation system and grants accreditation.

(Based on ISO Guide 2, 17.2)

Accreditation system

10. System that has its own rules of procedure and management for carrying out accreditation.

11. Note – Accreditation of certification bodies is normally awarded following successful assessment and is followed by appropriate surveillance.

(Based on ISO Guide 2, paragraph 17.1)

Arrangement

12. A cooperative mechanism established by two or more parties be they governmental, private or non-governmental entities.

³ In these Guidelines, the reference to States includes the European Community in matters within its competence.

Audit

13. A systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.

(Based on Codex Alimentarius, Principles for Food Import and Export Certification and Inspection, CAC/GL 20)

Certification

14. Procedure by which a third party gives written or equivalent assurance that a product, process or service conforms to specified requirements. Certification may be, as appropriate, based on a range of inspection activities which may include continuous inspection in the production chain.

(Based on ISO Guide 2, 15.1.2 and Principles for Food Import and Export Certification and Inspection, CAC/GL 20)

Certification body

15. Competent and recognized body that conducts certification. A certification body may oversee certification activities carried out on its behalf by other bodies.

(Based on ISO Guide 2, 15.2)

Chain of custody

16. The set of measures which is designed to guarantee that the product put on the market and bearing the ecolabel logo is really a product coming from the certified fishery concerned. These measures should thus cover both the tracking/traceability of the product all along the processing, distribution and marketing chain, as well as the proper tracking of the documentation (and control of the quantity concerned).

Complaint

17. An objection by a person or body to a decision regarding accreditation, de-accreditation, certification or de-certification.

Conformity assessment

18. Any activity concerned with determining directly or indirectly that relevant requirements are fulfilled.

19. Notes: Typical examples of conformity assessment activities are sampling, testing and inspection; evaluation, verification and assurance of conformity (supplier's declaration, certification); registration, accreditation and approval as well as their combinations.

(ISO Guide 2, 12.2)

Culture-based fisheries

19b. Capture fisheries which are maintained solely by stocking with material originating from aquaculture installations.

Decision

20. Any resolution by an accreditation or certifying body or arrangement concerning the rights and obligations of a person or body.

Ecolabelling scheme

21. Ecolabelling schemes entitle a fishery product to bear a distinctive logo or statement which certifies that the fish has been harvested in compliance with conservation and sustainability standards. The logo or statement is intended to make provision for informed decisions of purchasers whose choice can be relied upon to promote and stimulate the sustainable use of fishery resources.

Enhanced fisheries

21b. Fisheries that are supported by activities aimed at supplementing or sustaining the recruitment of one or more aquatic organisms and raising the total production or the production of selected

elements of a fishery beyond a level which is sustainable by natural processes. It may entail stocking with material originating from aquaculture installations.

Inland capture fisheries

21c. The removal of fish and other aquatic organisms from natural or enhanced inland fisheries, but excluding aquaculture.

Introduced species (alien species)[#]

21d. Species or races that are intentionally or accidentally transported and released by humans into an environment outside their natural range.

Standard for certification

22. Document approved by a recognized organization or arrangement, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory under international trade rules. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

(Based on TBT agreement, Annex 1, para.2)

In these guidelines, unless otherwise qualified, the word standard refers to a standard for certification. The standard for certification will include requirements, criteria and performance elements in a hierarchical arrangement. For each requirement, one or more substantive criteria should be defined. For each criterion, one or more performance elements should be provided for use in assessment.

Standard-setting organization or arrangement

23. Organization or arrangement that has recognized activities in standard setting.

(Based on ISO Guide 2, paragraph 4.3)

Stocking

23b. Refers to the repeated injection of fish into an ecosystem in which a population of that species already exists from one external to it.

Third party

24. Person or body that is recognized as being independent of the parties involved, as concerns the issue in question.

(ISO/IEC Guide 2:1996)

Translocations (transfers)

24b. Movement of individuals of a species or population, intentionally or accidentally transported and released within their natural range.

Unit of certification

25. The "unit of certification" is the fishery for which ecolabelling certification is called for. The certification could encompass: the whole fishery, where a fishery refers to the activity of one particular gear-type or method leading to the harvest of one or more species; a sub-component of a fishery, for example a national fleet fishing a shared stock; or several fisheries operating on the same resources. The certification applies only to products derived from the "stock under consideration" (see Para. 30). In assessing compliance with certification standards, the impacts on the "stock under consideration" of all the fisheries utilizing that stock or stocks over their entire area of distribution, including all life stages, are to be considered.

[#] Article 8(h) of the Convention on Biological Diversity.

MINIMUM SUBSTANTIVE REQUIREMENTS AND CRITERIA FOR ECOLABELS

Introduction

26. The following sets forth the minimum substantive requirements and criteria for assessing whether a fishery can be certified and an ecolabel awarded to a fishery. Ecolabelling schemes may apply additional or more stringent requirements and criteria related to sustainable use of the resources. The requirements and criteria presented below are to be based on and interpreted in accordance with the current suite of agreed international instruments including the 1995 Code of Conduct for Responsible Fisheries, the Convention on Biodiversity, the Ramsar Convention on Wetlands, as well as provisions of relevance for the management of inland capture fisheries contained in the 1982 UN Convention on the Law of the Sea and the 1995 UN Fish Stocks Agreement.

27. Requirements are specified for each of three areas: management systems, the stock or stocks for which certification is being sought (subsequently referred to as "stock under consideration"), and consideration of serious impacts of the fishery on the ecosystem including stock enhancement activities. Criteria and related measurable performance indicators and a corresponding monitoring system should be established in order to assess the conformity of the fishery concerned with the requirements and the criteria of the ecolabelling scheme. In developing and applying the criteria and assessing the conformity of the fishery with the standard of certification, the views and opinions of States, RFBs and FAO should be fully considered.

Management systems

28. Requirement: The fishery is conducted under a management system which is based upon good practice and that ensures the satisfaction of the requirements and criteria described in Paragraph 29. The management system and the fishery operate in compliance with the requirements of local, national and international laws and regulations, including the requirements of any regional fisheries management agreement that directs the management of the target stocks.

29. The following criteria will apply to management systems for any fisheries, but it must be recognized that special consideration needs to be given to small-scale fisheries, which are prevalent in inland capture fisheries, with respect to the availability of data and with respect to the fact that management systems can differ substantially for different types and scales of fisheries.

29.1 Adequate and reliable data and/or information are collected, maintained and assessed in accordance with applicable international standards and practices for evaluation of the current state and trends of the stocks⁴ (see below: Methodological aspects).

29.2 In determining suitable conservation and management measures, the best scientific evidence available is taken into account by the designated authority, as well as consideration of relevant traditional knowledge, provided its [their] validity can be objectively verified, in order to evaluate the current state of the "stock under consideration"⁵ in relation to, where appropriate, stock specific target and limit reference points.⁶

29.3 Similarly, data and information, including relevant traditional knowledge, provided its [their] validity can be objectively verified, are used to identify adverse impacts of the fishery

⁴After Code of Conduct for Responsible Fisheries, Article 7.4.4.

⁵Code of Conduct for Responsible Fisheries, Articles 6.4 and 7.4.1.

⁶Code of Conduct for Responsible Fisheries, Article 7.5.3.

on the ecosystem, and timely scientific advice is provided on the likelihood and magnitude of identified impacts (see Paragraph 31).

- 29.4 The designated authorities adopt appropriate measures⁷ for the conservation and sustainable use of the “stock under consideration” based on the data, information, and scientific advice referred to in the preceding bullets.⁷ Short-term considerations should not compromise the long-term conservation and sustainable use of fisheries resources.
- 29.5 An effective legal and administrative framework at the local, national or regional level, as appropriate, is established for the fishery⁸ and compliance is ensured through suitable mechanisms for monitoring, surveillance, control and enforcement (see also Paragraph 6).⁹
- 29.6 In accordance with the Code of Conduct Article 7.5, the precautionary approach is being implemented to protect the “stock under consideration” and the aquatic environment. This should take due account of stock enhancement procedures. *Inter alia* this will require that the absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.¹⁰ Further, relevant uncertainties are being taken into account through a suitable method of risk assessment, including those associated with the use of introduced or translocated species.¹¹ Appropriate reference points are determined and remedial actions to be taken if reference points are approached or exceeded are specified.¹²
- 29.7 In the case of culture based and enhanced fisheries, an effective framework should be established to link the fishery management system with its supporting aquaculture production system (see also 30b).
- 29.8 In the case of enhanced fisheries, the fishery management system should take due regard of the natural production and other components of the aquatic ecosystem.

“Stocks under consideration”

30a. Requirement: The “stock under consideration” is not overfished, and is maintained at a level which promotes the objective of optimal utilization and maintains its availability for present and future generations,¹³ taking into account that longer term changes in productivity can occur due to natural variability and/or impacts other than fishing. In the event that biomass drops well below such target levels, management measures (Code of Conduct Article 7.6), including measures to favourably enhance the environment, should allow for restoration within reasonable time frames of the stocks to such levels. This requirement also pertains to species introductions or translocations that have occurred historically or in accordance with international guidelines,¹⁴ which become established as part of the natural ecosystem.

30b. In case of enhanced and culture based fisheries, the cultured component of the “stock under consideration” is managed and developed according to relevant provisions of Article 9 of the Code of

⁷FAO Technical Guidelines for Responsible Fisheries No. 6 – Inland fisheries.

⁸Based on Code of Conduct for Responsible Fisheries, Article 7.1.1.

⁹Code of Conduct for Responsible Fisheries, Article 7.7.1.

¹⁰Code of Conduct for Responsible Fisheries, Article 7.1.7.

¹¹Code of Conduct for Responsible Fisheries, Article 7.5.1.

¹²FAO Technical Guidelines for Responsible Fisheries No. 2 – Precautionary approach to capture fisheries and species introductions.

¹³Code of Conduct for Responsible Fisheries, Article 7.5.2.

¹⁴Code of Conduct for Responsible Fisheries, Article 7.1.1.

¹⁵See for example EIFAC/ICES codes of practice.

Conduct for Responsible Fisheries, especially in relation to the protection of the environment,¹⁵ the conservation of genetic diversity, disease control, and quality (fitness for survival) of stocking material,¹⁶ and managed to achieve optimal production.

30c. In the case of enhanced fisheries, natural production components of the “stock under consideration” is managed in accordance with Article 7 of the Code of Conduct and maintained at a level that promotes the objective of optimal utilization.

Ecosystem considerations

31. Requirement: Adverse impacts of the fishery and any associated culture and enhancement activity on the ecosystem should be appropriately assessed and effectively addressed. Enhanced and culture-based fisheries will be managed to ensure biodiversity of aquatic habitats and ecosystems are conserved and endangered species protected.¹⁷ Significant scientific uncertainty is to be expected in assessing possible adverse ecosystem impacts of fisheries, including culture and enhancement activities. This issue can be addressed by taking a “risk assessment/risk management approach”. For the purpose of development of ecolabelling schemes, the most probable adverse impacts should be considered, taking into account available scientific information, and local knowledge provided that its [their] validity can be objectively verified. Those impacts that are likely to have serious consequences should be addressed. This may take the form of an immediate management response or further analysis of the identified risk. In this context, full recognition should be given to the special circumstances and requirements in developing countries and countries in transition, including financial and technical assistance, technology transfer, and training and scientific cooperation.

Methodological aspects

Assessing current state and trends in target stocks

32a. There are many ways in which state and trends in stocks may be evaluated, that fall short of the highly quantitative and data-demanding approaches to fish stock assessment that are often used in developed countries. Use of less elaborate methods for stock assessment frequently used for inland capture fisheries should not preclude them from possible certification for ecolabelling. However it should be noted that, to the extent that the application of such methods may result in greater uncertainty about the state of the “stock under consideration”, more precautionary approaches to managing such resources could be required which may necessitate lower levels of utilization of the resource. There is a variety of management measures commonly used in small scale or low value fisheries that nonetheless can achieve quite adequate levels of protection for stocks in the face of uncertainty about the state of the resource.

32b. Stock assessment of enhanced or culture-based fisheries should not focus on the hatchery output but more on the recruitment of hatchery fish to the fishery and on the contribution of natural reproduction.

¹⁵Code of Conduct for Responsible Fisheries, Article 9.1.5

¹⁶Code of Conduct for Responsible Fisheries, Article 9.3

¹⁷Code of Conduct for Responsible Fisheries, Article 7.2

PROCEDURAL AND INSTITUTIONAL ASPECTS

Introduction

33. Drawing heavily on available guides, especially those produced by the International Organization for Standardization (ISO), this chapter of the guidelines addresses the three principal procedural and institutional matters that any ecolabelling scheme should encompass: (1) the setting of certification standards, (2) the accreditation of independent certifying bodies, and (3) the certification that a fishery and the product chain of custody are in conformity with the required standard and procedures. The certification standard encapsulates the objectives that are pursued by a scheme. It is usually expressed in specific criteria that a product and/or the production process and methods would have to meet to get certified.

34. Accreditation of a certification body seeks to verify that the body is appropriate and capable for the certifying tasks. It would have to ascertain that the certification body is neutral and independent and has the technical and financial capacity to perform a certification of the conformity of a fishery with the established standard. Similar requirements apply to the accreditation body itself. The accreditation body needs to have the technical and financial capacity to undertake accreditation tasks, and perform these tasks in a neutral, non-discriminatory and independent manner.

35. The above three steps in the setting up of an ecolabelling scheme would normally have to occur sequentially in the same order whereby (2) accreditation and (3) certification would remain regular activities of the scheme once established. The scheme may also, at a regular but longer time interval, review and revise the certification standard in view of new knowledge and experiences.

Structure

36. The procedural guidelines are presented in three parts as follows: 1) **Guidelines for the setting of standards of sustainable fisheries**, 2) **Guidelines for accreditation**, and 3) **Guidelines for certification**. Each of these three parts is further subdivided into four sections: i) **Purpose**, ii) **Normative references**, iii) **Functions and structure** and iv) **Requirements**. The Requirements are the minimum requirements that a body, person or arrangement should meet to be recognized as competent and reliable in its domain. The **Principles** listed earlier in these guidelines apply equally to procedural and institutional aspects of inland capture fisheries ecolabelling schemes.

Options for governance structures

37. There are various options for the governance of an ecolabelling scheme. The initiative for a scheme could be taken by a government, an intergovernmental organization, a non-governmental organization, or a private industry association. There are also various options for the geographical range of a scheme. It could be national, regional or international in scope.

38. The owner of a scheme may not necessarily be directly engaged in its operational affairs. These may be handled by an organization or arrangement which has been specifically set up for this purpose. It could be public, non-governmental or private. The owner of the scheme may lay down rules and regulations under which the ecolabelling arrangement or body is required to operate. The body may implement one ecolabelling scheme for one specific sector (e.g. fisheries) or may have responsibilities for various sectors (textiles; paper; etc.)

39. The owner of an ecolabelling scheme should engage a separate independent specialist accreditation body to take on the task of accreditation of certification bodies on its behalf. The accreditation body could be private, public or an autonomous body governed by public service rules.

Guidelines for the Setting of Standards of Inland Capture Fisheries

Purpose

40. The setting of standards is among the most critical tasks of any ecolabelling scheme of products from sustainable inland capture fisheries, including culture based and enhanced fisheries. The standards reflect the objectives for sustainable inland capture fisheries that are being pursued through the scheme. Standards comprise quantitative and qualitative indicators of the governance system or management regime of a fishery as well as of its outcome in terms of sustainable use and conservation of the resources and related ecosystems.

41. Standards should not distort global markets and should not create unnecessary obstacles to international trade.

Normative basis

42. The normative basis of standards of sustainable fisheries is given by international fisheries instruments and applicable national legislation. Relevant international fisheries instruments include, *inter alia*, the FAO Code of Conduct for Responsible Fisheries, the Convention on Biodiversity, the Ramsar Convention on Wetlands, the provisions of relevance for the management of inland capture fisheries contained in the 1982 UN Convention on the Law of the Sea and the 1995 UN Fish Stocks Agreement.

43. In procedural terms, the normative basis for standard development includes the following:

- ISO/IEC Guide 59 *Code of good practice for standardization*. 1994
- WTO TBT, ANNEX 3 *Code of Good Practice for the Preparation, Adoption and Application of Standards*
- ISEAL. Guidance on the application of the ISEAL Code of Good Practice for Setting Social and Environmental Standards. Public Version 2. January 2004.

ISEAL Code of Good Practice for Setting Social and Environmental Standards. Public version 4. January 2006.

Functions and organizational structure

44. A standard setting organization or arrangement is assigned with the tasks of setting, reviewing, revising, assessing, verifying and approving standards. These tasks can be fulfilled through a specialized standard-setting body or through another suitable arrangement.

45. Where there is no standard-setting body, the organizational structure of a standard-setting arrangement should include, *inter alia*, a technical committee of independent experts and a consultation forum whose mandates are established.

Requirements

Transparency

46. Transparency in the development of standards is necessary to guarantee and to ensure consistency with relevant international standards and to facilitate access, and participation of all interested parties, especially those of developing countries and countries in transition.

47. Standard-setting organizations or arrangements should carry out their activities in a transparent fashion and following written rules of procedure. Procedural rules should contain a

mechanism for the impartial resolution of any substantive or procedural disputes about the handling of standard-setting matters.

48. A standard is under preparation (under review or under revision) from the moment a decision has been taken to develop, review or revise a standard until that standard has been adopted.

49. Once a standard has been adopted, it should be promptly published and should be accessible on the Internet.

50. At least once every six months, the standard-setting organization or arrangement should publish a work programme containing:

- its name;
- its address;
- the list of standards currently under preparation;
- the list of standards currently under reviewing or revision; and
- the list of standards which were adopted in the preceding period.

51. A notice of existence of the work programme should be published in a national or, as may be, regional or international publication of standardization activities and/or should be accessible on the Internet whenever possible.

52. On the request of any interested party, the standardizing organization or arrangement should promptly provide, or arrange to provide a copy of its standard setting procedures, most recent work programme, draft standard or final standard.

53. Translations into English, French or Spanish of standard setting procedures, most recent work programme, draft standards or final standards should be provided upon request, within the means of the standard-setting body or arrangement.

Participation by interested parties

54. Standard-setting arrangements or organizations should ensure balanced participation by independent technical experts and by representatives of interested parties in the standard development, revision and approval process. Development of standards for sustainable inland capture fisheries, including culture based and enhanced fisheries, should, wherever possible, include representatives of fisheries management authorities, the fishing industry, fishworkers organizations, fishing communities, the scientific community, environmental interest groups, fish processors, traders, retailers and hatchery managers as well as consumer associations.

55. Interested parties should be associated in the standard-setting tasks through an appropriate consultation forum or be made aware of an appropriate alternative mechanisms by which they can participate. Where more than one forum is designated, coordination requirements applicable to them should be determined.

56. Standardizing arrangements or organizations should have written procedures to guide decision-making.

Notification provisions

57. Before adopting a standard, the standardizing organization or arrangement should allow a period of at least 60 days for the submission of comments on the draft standard by interested parties. No later than the start of the comment period, the standardizing organization or arrangement should

publish a notice announcing the period for commenting in a national or, as may be, regional or international publication of standardization activities and/or on the Internet.

58. The standardizing organization or arrangement should take into account, in further processing of the standard, the comments received during the period for commenting. The reply should include an explanation why a deviation from relevant national or international standards is necessary.

Keeping of records

59. Proper records of standards and development activity should be prepared and maintained. The standard setting organization or arrangement should identify a central focal point for standards-related enquiries and for submission of comments. Contact information for this focal point should be made easily available including on the Internet.

Review and revision of standards and of standard setting procedures

60. Standards should be reviewed at regular published intervals and, if appropriate, revised following such reviews. Certified fisheries should be given a period of at least three years to come into compliance with the revised standards.

61. Proposals for revisions can be submitted by any interested party and should be considered by the standard-setting organization or arrangement through a consistent and transparent process.

62. The procedural and methodological approach for setting standards should also be updated in the light of scientific and technical progress and of the experience gained in standard setting of sustainable fisheries.

Validation of standards

63. In developing and revising standards, an appropriate procedure should be put in place to validate the standard vis-à-vis the minimum requirements for inland capture fisheries, including culture based and enhanced fisheries, as laid out in these guidelines. Validation is also required to ensure that standards do not encompass criteria or requirements that are of no relevance for sustainable fisheries and could cause unnecessary barriers of trade or mislead the consumer.

Guidelines for Accreditation

Purpose

64. Accreditation provides assurance that certification bodies responsible for conducting conformity assessments with sustainability standards and chain of custody requirements in fisheries are competent to carry out such tasks. By awarding accreditation to a certification body, accreditation bodies provide assurance that the latter is able to assess and certify that a certain fish or fishery product comes from a fishery that conforms with the established standard of sustainability.

Normative Reference

65. ISO/IEC 17011:2004. Conformity assessment. General requirements for accreditation bodies accrediting conformity assessment bodies.

Functions and structure

66. Accreditation is carried out on the basis of a system that has its own rules and management, i.e. an accreditation system. The tasks of granting accreditation following successful assessment should be undertaken by competent accreditation bodies. In order to be recognized as competent and

reliable in undertaking the assessment in a non-discriminatory, impartial and accurate manner, an accreditation body should fulfil, *inter alia*, the following requirements.

Requirements

Non-discrimination

67. Access to the services of the accreditation body should be open to all certification entities irrespective of their country of residence. Access should not be conditional upon the size of the applicant body or membership in any association or group, nor should accreditation be conditional upon the number of certification bodies already accredited.

68. Full recognition should be given to the special circumstances and requirements of certification bodies in developing countries and countries in transition including financial and technical assistance, technology transfer, and training and scientific cooperation.

Independence, impartiality and transparency

69. The accreditation body should be independent and impartial. In order to be impartial and independent, the accreditation body should:

- Be transparent about its organizational structure and the financial and other kinds of support it receives from public or private entities.
- Be independent from vested interests, together with its senior executive and staff.
- Be free from any commercial, financial and other pressures which might influence the results of the accreditation process.
- Ensure that decision on accreditation is taken by a person(s) who has (ve) not participated in the assessment.
- Not delegate authority for granting, maintaining, extending, reducing, suspending or withdrawing accreditation to an outside person or body.

Human and financial resources

70. The accreditation body should have adequate financial resources and stability for the operation of an accreditation system and should maintain appropriate arrangements to cover liabilities arising from its operations and/or activities.

71. The accreditation body should employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing accreditation functions in fisheries.

72. Information on the relevant qualifications, training and experience of each member of the personnel involved in the accreditation process should be maintained by the accreditation body. Record of training and experience should be kept up to date.

73. When an accreditation body decides to subcontract work related to accreditation to an external body or person, the requirements for such an external body should be no less than for the accreditation body itself. A properly documented contractual or equivalent agreement covering the arrangements including confidentiality and conflict of interests, should be drawn up.

Accountability and reporting

74. The accreditation body should be a legal entity and should have clear and effective procedures for handling applications for accreditation procedures. In particular, the accreditation body should maintain and provide to the applicants and accredited entities:

- a detailed description of the assessment and accreditation procedure;
- the documents containing the requirements for accreditation;
- the documents describing the rights and duties of accredited bodies.

75. A properly documented contractual or equivalent agreement describing the responsibilities of each party should be drafted.

76. The accreditation body should have:

- defined objectives and commitment to quality;
- procedures and instructions for quality documented in a quality manual;
- an established effective and appropriate system for quality.

77. The accreditation body should conduct periodic internal audits covering all procedures in a planned and systematic manner to verify that the accreditation system is implemented and effective.

78. The accreditation body may receive external audits on relevant aspects. The results of the audit should be accessible by the public.

79. Qualified personnel, attached to the accreditation body's team, should be nominated by the accreditation body to conduct the assessment against all applicable accreditation requirements.

80. Personnel nominated for the assessments should provide the accreditation body with a report of its findings as to the conformity of the body assessed to all of the accreditation requirements. The report should provide sufficiently comprehensive information such as:

- the qualification, experience and authority of the staff encountered;
- the adequacy of the internal organization and procedures adopted by the certification body to give confidence in its services;
- the actions taken to correct identified nonconformities including, where applicable, those identified at previous assessments.

81. The accreditation body should have policy and procedures for retaining records of what happened during the assessment visit for a period consistent with its contractual, legal or other obligations. The records should demonstrate that the accreditation procedures have been effectively fulfilled, particularly with respect to application forms, assessment reports and other documents relating to granting, maintaining, extending, reducing, suspending or withdrawing accreditation. The records should be identified, managed and disposed of in such a way as to ensure the integrity of the process and confidentiality of the information.

Resolution of complaints concerning accreditation of certifying bodies¹⁸

82. The accreditation body should have a written policy and procedures for dealing with any complaints in relation to any aspect of the accreditation or de-accreditation of certifying bodies.

These procedures should include establishment, on an ad hoc basis as appropriate, of an independent and impartial committee to respond to a complaint. If possible, the committee should attempt to resolve any complaints through discussion or conciliation. If this is not possible, the committee should provide a written ruling to the accreditation body, which should transmit it to the other party or parties involved.

84. The accreditation body should:

- a) keep a record of all complaints, and remedial actions relative to accreditation;
- b) take appropriate corrective and preventive action;
- c) assess the effectiveness of remedial actions;

¹⁸Procedures by the accreditation body on the resolution of complaints and appeals concerning certification are provided in the following chapter on Guidelines for Certification.

- d) safeguard confidentiality of information obtained during the investigation and resolution of complaints.

85. Information on procedures for handling complaints concerning accreditation should be made publicly available.

86. The above does not exclude recourse to other forms of legal and administrative processes as provided for in national legislation or international law.

Confidentiality

87. The accreditation body should have adequate arrangements, consistent with applicable laws, to safeguard confidentiality of the information obtained in the course of its accreditation activities at all levels of its organization, including committees and external bodies acting on its behalf.

88. Where the law requires information to be disclosed to a third party, the body should be informed of the information provided, as permitted by the law. Otherwise information about an applicant certification body should not be disclosed to a third party without a written consent of the body.

Maintenance and extension of accreditation

89. The accreditation body should have arrangements to ensure that an accredited certification body informs it without delay of changes in any aspects of its status or operation.

90. The accreditation body should have procedures to conduct reassessments in the event of changes significantly affecting the capabilities, or scope of accredited activities of the accredited body or the conformance with any other relevant criteria of competence specified by the accreditation body.

91. Accreditation should be re-assessed at sufficiently close intervals to verify that the accredited certification body continues to comply with the accreditation requirements. The periodicity for carrying out reassessments should not exceed five years.

Suspension and withdrawal of accreditation

92. The accreditation body should specify the conditions under which accreditation may be suspended or withdrawn, partially or in total, for all or part of the scope of accreditation.

Change in the accreditation requirements

93. The accreditation body should give due notice of any changes it intends to make in its requirements for accreditation.

94. It should take account of views expressed by interested parties before deciding on the precise form and effective date of the changes.

95. Following a decision on, and publication of, the changed requirements, it should verify that each accredited body carries out any necessary adjustments to its procedures within such time as, in the opinion of the accreditation body, is reasonable.

96. Special considerations should be given to accredited bodies in developing countries and countries in transition.

Proprietor or licensee of an Accreditation Symbol or a Logo¹⁹

97. The accreditation body which is proprietor or licensee of a symbol or logo, intended for use under its accreditation programme, should have documented procedures describing its use.

98. The accreditation body should not allow use of its Accreditation mark or logo in any way which implies that the accreditation body itself approved a product, service or system certified by a certification body.

99. The accreditation body should take suitable action to deal with incorrect references to the accreditation system or misleading use of accreditation logos found in advertisements, catalogues, etc.

Guidelines for certification

Purpose

100. Certification is the procedure by which a third party gives written or equivalent assurance that a fishery conforms with the relevant standard and that a proper chain of custody is in place. Certification is an integral and indispensable part of any ecolabelling scheme of products from sustainable inland capture fisheries, including culture based and enhanced fisheries. It provides assurance to buyers and consumers that a certain fish or fishery product comes from a fishery that conforms with the established standard for sustainability. Impartial certification based on an objective assessment of all relevant factors ensures that ecolabels convey truthful information. This is a necessary condition for the ecolabelling scheme to attain its objectives.

Scope

101. There are two types of certification, certification of the fishery itself, including the production of stocking material, and certification of the chain of custody between the time the fish is harvested and the time the fish or fishery product is sold to the final consumer. Separate certificates may be issued for the fishery and for the chain of custody.

102. Two types of assessments are required for certification:

- a) **conformity assessment** of whether a fishery conforms with the standard and related certification criteria;
- b) **chain of custody assessment** of whether adequate measures are in place to identify fish from a certified fishery at subsequent stages of fish processing, distribution and marketing.

103. Fish and fishery products that are labelled to indicate to the consumer their origin from a sustainable fishery require both types of assessments and certificates.

Normative references

104. ISO Guide 62*, *General Requirements for bodies operating assessment and certification/registration of quality systems*. 1996. check new ISO norms

105. ISO/IEC Guide 65*, *General requirements for bodies operating product certification systems*. 1996.

106. WTO. Agreement on Technical Barriers to Trade, Article 5.

¹⁹The provisions on the use and control of a certification claim, symbol or logo is addressed in the Guidelines for Certification.

Functions and structure

107. The tasks of carrying out conformity and chain of custody assessments should be undertaken by recognized and accredited certification bodies. In order to be recognized as competent and reliable in undertaking the assessments in a non-discriminatory, impartial and accurate manner, a certification body has to fulfill, *inter alia*, the following requirements.

Requirements

Independence and impartiality

108. The certification body should be legally and financially independent from the owner of the ecolabelling scheme.

109. The certification body and its assessment and certifying staff, whether directly employed by the certification body or sub-contracted by it, should have no commercial, financial or any other interest in the fishery or chain of custody to be assessed other than for its certification services.

110. The certification body should ensure that different personnel conduct the certification decision and the certification assessments.

111. The certifying body should not delegate authority for granting, maintaining, extending, reducing, suspending or withdrawing certification to an outside person or body.

Non-discrimination

112. Access to the services of the certification body should be open to all types of fisheries whether managed by a regional, governmental, parastatal or non-governmental fisheries management organizations or arrangement. Access to certification should not be conditional upon the size or scale of the fishery nor should certification be conditional upon the number of fisheries already certified.

Human and financial resources

113. The certification body should have adequate financial resources and stability for the operation of a certification system and should maintain appropriate arrangements to cover liabilities arising from its operations and/or activities.

114. The certification body should employ a sufficient number of personnel having the necessary education, training, technical knowledge and experience for performing conformity and/or chain of custody assessments in fisheries.

115. Information on the relevant qualifications, training and experience of each member of the personnel involved in the certification process should be maintained by the certification body. Record of training and experience should be kept to date.

116. When a certification body decides to sub-contract work related to certification to an external body or person, the requirements for such an external body should be no less than for the certification body itself. A properly documented contractual or equivalent agreement covering the arrangements including confidentiality and conflict of interests, should be drawn up.

Accountability and reporting

117. The certification body should be a legal entity and have clear and effective procedures for handling applications for certification of the fishery and/or the chain of custody. In particular, the certification body should maintain and provide to the applicants and certified entities:

- a detailed description of the assessment and certification procedure;
- the documents containing the requirements for certification;

- the documents describing the rights and duties of certified entities.

118. A properly documented contractual or equivalent agreement describing the rights and duties of each party should be drafted between the certification body and its clients.

119. The certification body should have:

- defined objectives and commitment to quality;
- policies and procedures for quality documented in a quality manual;
- an established effective, appropriate system for quality.

120. The certification body should conduct periodic internal audits covering all procedures in a planned and systematic manner to verify that the certification system is implemented and effective.

121. The certification body may receive external audits on relevant aspects. The results of the audits should be accessible by the public.

122. The certification body should have a policy and procedures for retaining records for a period consistent with its contractual, legal or other obligations. The records should demonstrate that the certification procedures have been effectively fulfilled, particularly with respect to application forms, assessment reports and other documents relating to granting, maintaining, extending, reducing, suspending or withdrawing certification. The records should be identified, managed and disposed of in such a way as to ensure the integrity of the process and confidentiality of the information.

123. The certification body should ensure that, in the event of changes, all affected parties are notified.

124. The certification body should make appropriate documents available on request.

Certification fees

125. The certification body should maintain a written fee structure for applicants and certified fisheries which should be available on request. In establishing the fee structure and in determining the specific fee of a certification assessment, the certification body should take into account, *inter alia*, the requirements for accurate and truthful assessments, the scale, size and complexity of the fishery or chain of custody, the requirement of non-discrimination of any client, and the special circumstances and requirements of developing countries and countries in transition.

Confidentiality

126. The certification body should have adequate arrangements, consistent with applicable laws, to safeguard confidentiality of the information obtained in the course of its certification at all levels of its organization.

127. Where the law requires information to be disclosed to a third party, the client should be informed of the information provided, as permitted by the law. Otherwise information about a particular product or fishery should not be disclosed to a third party without a written consent of the client.

Maintenance of certification

128. The certification body should carry out periodic surveillance and monitoring at sufficiently close intervals to verify that certified fisheries and/or certified chains of custody continue to comply with the certification requirements.

129. The certification body should require the client to notify it promptly of any intended changes to the management of the fishery, or the chain of custody, or other changes which may affect conformity.

130. The certificate body should have procedures to conduct reassessments in the event of changes significantly affecting the status and management of the certified fishery, or the chain of custody, or if analysis of a complaint or any other information indicates that the certified fishery and/or the chain of custody no longer comply with the required standard and/or related requirements of the certification body.

131. The period of validity of a certificate should not exceed five years in the case of a fishery and three years in the case of the chain of custody. The assessment required for re-certification should give particular attention to changes that have been made in the conduct of the fishery or in the management practices, and on any new conditions that changes in standards might require.

Renewal of certification

132. On the basis of prior regular monitoring and auditing exercises and a full reassessment, the validity of certification can be renewed up to the time limits of five years in the case of a fishery and three years in the case of the chain of custody.

Suspension and withdrawal of certification

133. The certification body should specify the conditions under which certification may be suspended or withdrawn, partially or in total, for all or part of the scope of certification.

134. The certification body should require that a certified fishery and/or chain of custody upon suspension or withdrawal of its certification (however determined), discontinues use of all advertising matter that contains any reference thereto and returns any certification documents as required by the certification body. The certification body should also be responsible for informing the public about the withdrawal or suspension after the appeals process is exhausted.

Maintaining the chain of custody

135. Chain of custody procedures are implemented at the key points of transfer. At each point of transfer, which may vary according to the type of fish or fishery product traded, all certified fish or fishery products must be identified and/or segregated from non-certified fish or fishery products.

136. The certification body should ensure that a recipient of certified fish or fishery products should maintain pertinent chain of custody records, including all records relating to shipment, receipt and invoicing.

137. The certification body should have documented procedures defining auditing methods and periodicity of audits. The periodicity of audits should depend on:

- the technical processes undertaken at the point of transfer;
- such risk factors as the value and volume of the certified output.

138. Any breach or apparent breach of the chain of custody identified during an inspection/audit should be explicitly recorded in the inspection/audit report together with:

- an explanation of the factors that allowed the breach to occur;
- an explanation of the corrective actions taken or required to ensure that a similar breach does not re-occur.

139. All inspection/audit records should be incorporated into a written inspection/audit report that is available to pertinent parties and filed at the certification body office.

140. The inspection/audit report should contain as a minimum:
- the date of the inspection/audit;
 - the name(s) of the person(s) responsible for the report;
 - the names and addresses of the sites inspected/audited;
 - the scope of the inspection/audit;
 - comments on the conformity of the client with the chain of custody requirements.

Use and control of a certification claim, symbol or a logo

141. The certification body, accreditation body or owner of the ecolabelling scheme should have documented procedures describing the requirements, restrictions or limitations on the use of symbols or logos indicating that a fish or fishery product comes from a sustainable fishery. In particular, the ecolabelling scheme is required to ensure that symbols or logos should not relate to claims that are of no relevance for sustainable fisheries and could cause barriers of trade or mislead the consumer.

142. The certification body, accreditation body or owner of the ecolabelling scheme should not issue any license to affix its mark/claim/logo or issue any certificate for any fishery or fishery product unless it is assured that the product bearing it is in fact produced from certified sources.

143. The certification body, accreditation body or owner of the ecolabelling scheme is responsible that no fraudulent or misleading use is made with the use and display of its certification mark and logos.

144. If the certification body, accreditation body or owner of the ecolabelling scheme confers the right to use a symbol or logo to indicate certification, the fishery and any fish or fishery product from such fishery may use the specified symbol or logo only as authorized in writing by it.

145. The certification body, accreditation body or owner of the ecolabelling scheme should take suitable action to deal with incorrect references to the certification system or misleading use of symbols and logos found in advertisements, catalogues, etc.

146. All certificates issued should include:
- the name and address of the accreditation body or owner of the ecolabelling scheme;
 - the name and address of the certification body;
 - the name and address of the certification holder;
 - the effective date of issue of the certificate;
 - the substance of the certificate;
 - the term for which the certification is valid;
 - signature of the issuing officer.

Resolution of complaints and appeals

147. The accreditation body or owner of the ecolabelling scheme should have a written policy and procedures, applicable to accredited certification bodies, for dealing with any complaints and appeals from involved parties in relation to any aspect of certification or de-certification. Such procedures should be timely, clearly define the scope and nature of appeals that will be considered and should be open only to parties involved in, or consulted, during the assessment. Costs of appeals should be borne by the appellants.

148. These procedures should include an independent and impartial committee to respond to any complaint. If possible, the committee should attempt to resolve any complaint through discussion or

The twenty-sixth session of the Committee on Fisheries (Rome, 7–11 March 2005) recommended that FAO prepare international guidelines for the ecolabelling of fish and fishery products from inland fisheries. The Expert Consultation was convened by FAO to advise on this task.

The Expert Consultation took as its main working document the Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries adopted by the twenty-sixth session of the Committee on Fisheries and published by FAO in 2005. The Consultation made various additions and amendments to this document for it to be suitable for inland capture fisheries. Many of these amendments derived from including culture-based and enhanced fisheries into the definition of inland capture fisheries. Amendments concerned mostly the sections addressing management systems, "stocks under consideration", ecosystem considerations and methodological aspects. Aquaculture was excluded from the scope of the guidelines.

The Expert Consultation recognized that most of the provisions on procedural and institutional aspects of standard setting, accreditation and certification applied equally to both marine and inland capture fisheries. However, there were some instances where the specific characteristics of inland capture fisheries including culture-based and enhanced fisheries needed to be reflected. Cases in point were the addition of hatchery managers among the interested parties in standard setting or the inclusion of the production of stocking material in the certification of a fishery.

